

REMARKS

Claims 32, 34, 36-37, 39, 42-52 remain pending and allowed. Claim 49 is amended herein to correct two clerical errors. One occurrence of the duplicate term "*Staphylococcus mutans*" has been deleted, and the term "*Straphylococcus faecalis*" has been changed to more clearly and distinctly recite "*Streptococcus faecalis*." Support for this amendment is found in the specification on page 53, last paragraph, wherein *S. faecalis* is specifically identified. As those of ordinary skill in the art know, *S. faecalis* and *Streptococcus faecalis* refer to the same organism. As no new matter has been added, entry of the amendment at this time is therefore respectfully requested.

Applicants' counsel appreciates the courtesies extended by Examiner Virginia Allen Portner during a telephonic discussion on January 6, 2005. The following comments summarize and are substantially in accord with that discussion.

The Examiner indicated that, although the drawings submitted June 29, 2001 were acknowledged in the Notice of Allowability, the Patent Office will publish the patent with the more formal drawings submitted on November 15, 2001 and the corrected drawings FIGS. 5, 7A and 7B submitted on July 14, 2003.

The Form PTO-1449 submitted on October 3, 2003 was not executed. The Examiner requested that a copy be resubmitted with this Rule 312 Amendment for execution to clarify the record. Applicants have also revised the Form PTO-1449 according to the Examiner's suggestions from that which was previously submitted. In particular, the application numbers of three references have been amended to reflect the publication numbers of those applications, and the revised Form PTO-1449 no longer includes several references that were already made of record in the prosecution history of this application either by Applicants or by the Examiner. Applicants have thus revised the prior Form PTO-1449 accordingly, and enclose herewith a substitute Form PTO-1449 for the Examiner to execute and return to the undersigned to clarify that these references are of record.

The potential for obviousness-type double patenting issues presented by the three (3) co-pending applications cited on the Form PTO-1449 was also discussed. Without addressing the merits of this question, there can be no actual rejection at present because the above-captioned patent application will be the first to issue while the cited applications are all still pending applications. Thus, any double patenting rejection would be provisional, and therefore

inappropriate, in the present application, which should now pass to issuance. Applicants will, if needed, address potential double patenting issues during examination of the cited applications.

In view of the foregoing remarks and the amendment, it is believed that the entire application remains in condition for allowance. If there are any questions, the Examiner is invited to call the undersigned attorney for Applicants to expedite the prosecution of this application.

Respectfully submitted,

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Date

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